

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 5-11806 RWZ

JODY REILLY,
Plaintiff

V.
THOMAS ROBBINS, as Colonel
of the Massachusetts State Police
Defendant

MOTION TO DISMISS COUNT IV
OF THE AMENDED COMPLAINT

The Defendant moves to dismiss Count IV of the complaint in this action alleging retaliation in violation of M.G.L. c. 151B, §§4(4), (4A) and (5), since Plaintiff waived her rights and remedies to this claim by filing an action in state court arising from the same purportedly retaliatory actions. Putnam v. Town of Saugus, 365 F.Supp. 2d 151, 194 (D.Mass.2005) (Young, C.J.), citing G.L.c. 149 §185(f) and Bennett v. City of Holyoke, 230 F.Supp. 2d 207, 220-221 (D.Mass.2002) (Ponsor, J.).

In support of this motion, the Defendant submits a memorandum of law.

Respectfully submitted,

THOMAS ROBBINS, as Colonel of the
Massachusetts State Police
By its attorneys,

THOMAS F. REILLY
ATTORNEY GENERAL


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Dated: November 4, 2005

CERTIFICATE OF SERVICE

I certify that on this 4th day of November 2005 I served the above document on counsel for the plaintiff, Scott Lang and Gigi Tierney, Lang Xifaras & Bullard, 115 Orchard Street, New Bedford MA 02740, by regular mail, postage prepaid.



Maite A. Parsi